

Laurence M. Rosen (SBN # 219683)

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[Proposed] Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOSEPH LEONE and ALLEN M.

METZGER, on behalf of themselves

and all others similarly situated,

Plaintiffs,

vs.

LUMINENT MORTGAGE

CAPITAL, INC., et. al.

Defendants.

) No. C-07-4073-PJH

) CLASS ACTION

) **NOTICE OF MOTION TO: (1)**

) **CONSOLIDATE RELATED ACTIONS;**

) **(2) APPOINT LEAD PLAINTIFF; and (3)**

) **APPROVE LEAD PLAINTIFF'S**

) **SELECTION OF COUNSEL**

) Hearing Information:

) **Date: November 14, 2007**

) **Time: 9:00 a.m.**

) **Ctrm: 3, 17th Floor**

ELLIOT GREENBERG, on behalf of

himself and all others similarly

situated,

Plaintiff,

vs.

LUMINENT MORTGAGE

CAPITAL, INC., et. al.

Defendants.

) No. C-07-04141-PJH

) CLASS ACTION

[caption continues]

Notice of Motion and Motion to: (1) Consolidate Related Actions; (2) Appoint Lead Plaintiff; and (3) Approve Lead Plaintiff's Selection of Counsel

1	PEM RESOURCES LP, individually)	No. C-07 -04184-PJH
2	and on behalf of all others similarly)	<u>CLASS ACTION</u>
3	situated,)	
4)	
5	Plaintiff,)	
6)	
7	vs.)	
8)	
9	LUMINENT MORTGAGE)	
10	CAPITAL, INC., et. al.)	
11)	
12	Defendants.)	

13	ALLEN M. METZGER, individually)	No. C-07-4686-PJH
14	and on behalf of all others similarly)	<u>CLASS ACTION</u>
15	situated,)	
16)	
17	Plaintiff,)	
18)	
19	vs.)	
20)	
21	LUMINENT MORTGAGE)	
22	CAPITAL, INC., et. al.)	
23)	
24	Defendants.)	

TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on November 14, 2007, at 9:00 a.m. before the Honorable Phyllis J. Hamilton in Courtroom 3, 17th Floor, U.S. Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, Harry Pogach (hereinafter "Movant") will, and do, move this Court for an order granting their Motion to: (1) consolidate related actions; (2) appointing Movant as Lead Plaintiff; and (3) approving the his selection of counsel.

This Motion is brought pursuant to Section 21 D of the Securities and Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), on the grounds that the Movant has timely filed its Motion and is the "most adequate plaintiff." Moreover, Movant meets the requirements of Rule 23 of the Federal Rules of Civil Procedure for the purposes of this Motion in that their claims are typical of the other class members' claims and Movant

1 will fairly and adequately represent the class. Movant also seeks the Court's approval of
2 its selection of the Rosen Law Firm, P.A. as Lead Counsel.

3 In support of this Motion, Movant submits: a Memorandum of Points and
4 Authorities in support thereof dated October 9, 2007; the Declaration of Laurence M.
5 Rosen dated October 9, 2007 (with exhibits); a [Proposed] order granting Movant's
6 Motion to consolidate related actions, appointment as Lead Plaintiff, and approval of its
7 selection of Counsel; and any other files herein, and on such other written or oral
8 argument as may be permitted by the Court.

9
10 Dated: October 9, 2007

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12 Respectfully submitted,

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14 THE ROSEN LAW FIRM, P.A.

15 /s/ Laurence Rosen, Esq.
16 Laurence Rosen, Esq. (SBN #219683)

17 [Proposed] Lead Counsel for Plaintiffs
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CERTIFICATE OF SERVICE

I, Laurence M. Rosen, hereby certify that on October 9, 2007, a true and correct copy following NOTICE OF MOTION TO: (1) CONSOLIDATE RELATED ACTIONS; (2) APPOINT LEAD PLAINTIFF; and (3) APPROVE LEAD PLAINTIFF'S SECTION OF COUNSEL was served via CM/ECF which sent notification to such filing to counsel of record.

Additionally, pursuant to the Local Civil Rules of this Court, I concurrently caused the aforementioned document to be posted at the following Designated Internet Site: <http://securities.stanford.edu>.

THE ROSEN LAW FIRM, P.A.

/s/ Laurence M. Rosen
Laurence M. Rosen